

Applicant: Taylor
Application Serial No.: 10/723,678
Filing Date: November 25, 2003
Docket No.: 577-511 DIV
Page 7

REMARKS/ARGUMENTS

On Page 2, Section 2 of the Detailed Action, the Examiner contends that "Claims 31-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. (4,016,492)". Then in the line right below, Examiner refers to "Regarding claim 1, Levin et al..." I contacted Examiner Vincent Q. Nguyen on Monday, January 3, 2005 to clarify the correct claim number(s) and the reference. Per Examiner Nguyen, on Page 2, Section 2 of the detailed action change "Claims 31-37 ..." to "Claims "31-36..." and in the line right below change "Regarding claim 1, Levin et al..." to "Regarding claim 31, Miller et al...".

Claims 31-34, 36-39 and 41-45 remain pending in this application. Claims 35 and 40 are canceled. Claims 31 and 37 have been amended without adding new matter. Reconsideration and allowance of the application in view of the above amendment and the following remarks is respectfully requested.

35 U.S.C. §102(b) Rejection of Claims 31-36

The Examiner has rejected claims 31-36 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,016,492 to Miller et al. (hereinafter "Miller"). Applicant respectfully traverses the rejection.

Applicant: Taylor
Application Serial No.: 10/723,678
Filing Date: November 25, 2003
Docket No.: 577-511 DIV
Page 8

The Miller patent discloses a logic circuit tester probe system which utilizes pulse discriminating circuitry to analyze the responses at various nodes in the circuit to determine where the probe should be connected. This is accomplished by rejecting all pulses of width less than a predetermined time and accepting all pulses of widths greater than that predetermined time. The probe system also utilizes a misprobe detection circuit for alerting the user that the probe is not making electrical contact with the circuit node whenever the input of the probe reaches a specific voltage value.

The Miller patent clearly fails to disclose the method for determining a phase angle relationship between capacitive test points as claimed in the present invention. Specifically, Miller fails to teach or suggest the step of measuring a phase angle difference between the first and second waveforms independent of voltage values at the first and second capacitive points which is set forth in claim 31 of the present application. The Examiner contends that Fig. 3 and column 5, lines 53-59 in the Miller patent discloses this step. However, Fig. 3 of Miller simply shows signal waveforms at various points in the circuit of digital logic tester probe. As discussed above, these waveforms represent electrical pulse signals which are compared with a predetermined value of time to determine the status of the various points or nodes in the circuit in order to connect the probe. Miller is not at all concerned with measuring the phase angle difference as claimed in the present invention. Furthermore, column 5, lines 53-59 in Miller

Applicant: Taylor
Application Serial No.: 10/723,678
Filing Date: November 25, 2003
Docket No.: 577-511 DIV
Page 9

patent are directed to the misprobe detection circuit by comparing the input value of the probe to a reference voltage. In the present invention, phase angle difference is measured independent of any predetermined values of voltage. Miller, as discussed above, fails to disclose the limitations in amended independent claim 31. Therefore, claim 31 cannot as a matter of law be anticipated by Miller.

Moreover, since Miller depends on predetermined voltage and time values, it would not be obvious to one in ordinary skill to modify the probe system in Miller to measure a phase angle difference between the first and the second waveforms independent of voltage values at the first and the second capacitive test points as claimed in the present invention. Accordingly, the Miller patent fails to teach or suggest this step as set forth in amended independent claim 31.

It is therefore respectfully submitted that claim 31 and claims 32-34 and 36 that depend thereon are patentably distinct over Miller.

35 U.S.C. §102 Rejection of Claim 37

The Examiner has rejected claim 37 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,316,254 to Levin et al. (hereinafter "Levin"). Applicant respectfully traverses the rejection.

Applicant: Taylor
Application Serial No.: 10/723,678
Filing Date: November 25, 2003
Docket No.: 577-511 DIV
Page 10

Independent claim 37 has been amended to add the limitations of the allowable subject matter in claim 40, which has been canceled. Thus, this rejection of claim 37 and the claims dependent therefrom is deemed obviated.

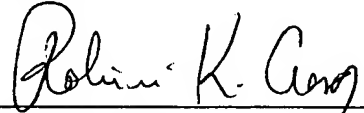
Therefore, claims 37-39 and 41-45 are in condition for allowance.

Conclusion:

In view of the amendment and remarks above, Applicants deem this application, including claims 31-34, 36-39 and 41-45, to be in condition for allowance and solicits such action. In the event that any issues remain following entry of this amendment, Applicant's agent respectfully invites the Examiner to contact the undersigned agent at the telephone number given below for either a personal or telephone interview if the Examiner believes that such would expedite the prosecution of this application.

No fee is believed to be required. However, please charge any deficiencies or credit any overpayment in these fees to Deposit Account No. 08-2461.

Respectfully submitted,



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